

Case 2:06-cv-00010-MEF-DRB Document 1-1 Filed 01/05/2006 Page

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TO U.S. COURT

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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
2006 JAN -5 A 9:45

DEBRA H. HAGUE, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

PICKY WADE DAVIS # 173073

Full name and prison number
of plaintiff(s)

v. Sgt. Bryant

DONAL C. CAMPBELL, GENEADYLN

MOSLEY, SGT. BAXLEY, CO 1

Floyd, COI WILLIAMS,

AND OTHERS, PRISON HEALTH

SOURCES, NURSE MCKINLEY

Name of person(s) who violated

your constitutional rights.

(List the names of all the
persons.)

CAPT. KENNETH SCOURERS

Officer X - C.E.R.T.

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court
dealing with the same or similar facts involved in this
action? YES () NO (✓)

B. Have you begun other lawsuits in state or federal court
relating to your imprisonment? YES () NO (✓)

C. If your answer to A or B is yes, describe each lawsuit
in the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if
state court, name the county)

N/A

3. Docket number _____

4. Name of judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT EASTERLING CORRECTIONAL
FACILITY, SB-II, 200 WALLACE DR. CUD, Aext. 36017

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED SEGREGATION
UNIT, B-SIDE, EASTERLING CORRECTIONAL FACILITY

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Outinsky A. Mosley</u>	<u>200 WALLACE DR CUD, 36017</u>
2. <u>NURSE MCKINLEY</u>	<u>200 WALLACE DR CUD, 36017</u>
3. <u>Sgt. BAXLEY</u>	<u>200 WALLACE DR. CUD, 36017</u>
4. <u>Sgt. BRYANT</u>	<u>200 WALLACE DR CUD, 36017</u>
5. <u>COT FLOYD</u>	<u>200 WALLACE DR. CUD, 36017</u>
6. <u>COT WILLIAMS</u>	<u>200 WALLACE DR. CUD, 36017</u>

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED _____
DEC. 30, 2005. About 2:30-3:30 AM.

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: EIGHTH AMENDMENT VIOLATIONS

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

I was TAKEN FROM MY CELL, SB-11, AT ABOUT 2:30-3:00 AM
HAND-CUFFED BEHIND MY BACK, TO THE LOBBY AND
THEN SLAPPED AROUND REPORTEDLY BY SGT. BRYANT,
MY EYE IS BLACK, MY TEETH ARE LOOSE, MY EAR IS
STILL RINGING, COI FLOYD, COI WILMANS TOOK ME TO LOBBY.

GROUND TWO: FIRST AMENDMENT VIOLATIONS

SUPPORTING FACTS: I am denied my medicine bag,
any contact or support from the Native
American community, no ceremonies or rituals
Ramadan is practiced and held for Muslim
inmates, Christian prisoners are allowed
Holy Bibles

GROUND THREE:

SUPPORTING FACTS: PLEASE SEE ENCLOSED
AFFIDAVITS FROM INMATES, THOMAS ADAMS,
MICHAEL BRAZEL, GARRETT GUNES, CEDRIC
BROOKS (from CIVIL ACTION # 2:05-CV-1130-T
MICHAEL ALBO BRAZEL, Plaintiff, DECLARATION OF
NAMED AFFIANTS) 12-6-05)

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

PRELIMINARY INJUNCTION, TEMPORARY RESTRAINING
ORDER, INVESTIGATION OF C.E.R.T., DECREE/DISPOSITIVE
JUDGMENT, PUNITIVE DAMAGES, JURY DEMAND

X Ricky Wade Davis # 173073
AIS
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on _____
(Date)

X Ricky Wade Davis # 173073
AIS
Signature of plaintiff(s)

CERTIFICATE OF SERVICE

I, hereby certify that I have sent a copy of, Complaint of Ricky Wade - 173073, Forms Pauperis Affidavit, and the affidavits of Thomas Adams, Michael Butzer, Connie Brooks, and Expert witness to the Legal Counsel for the Adm. O.C., properly addressed and postage pre-paid. to:

Kim Adams, Legal Counsel

301 S. Academy St.

P.O. Box 301501

Montgomery, AL 36130-1501

X Ricky Wade Davis # 173073

RICKY WADE DAVIS - 173073

5 B-H E.C.F.

200 Wallace Dr.

CIO, Autobant 36017

Done this 3rd day of January, 2006

LEGAL USE ONLY

to U.S. Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICKY WILDE DAVIS, PLAINTIFF

v.

ERWOOD W. MOSLEY,
WADDOCK III, ET. AL.

DEFENDANTS

2:06cv10-F

DECLARATION, AFFIDAVIT

Comes now the Plaintiff, Ricky Wilde Davis - # 173073, a state prisoner, who before this Honorable Court, pursuant to 28 U.S.C. 1746, deposes the following:

Affidavit

I hereby certify under the Penalty of Perjury, that the following is true and correct to the best of my ability and belief.

I am over 21 years old.

On December 30, 2005, at about 2:30-3:00 AM, I was wakened by COI Floyd, COI Williams, SGT. ~~Bellamy~~^{Bellamy} who then told me they had to change bed frames from my cell (SB-11) and (SB-9).

I asked, "why don't you just move me?" I was then told that, "we can't move you, SGT. Nelson is the one that assigned you this cell." SGT. Nelson is the Segregation Commander and works only 1st shift now. Otherwise there are no supervisors assigned to Segregation.

I was hand-cuffed behind my back, and the double-frame was moved from SB-11 to SB-9, and the single frame was moved to cell SB-11 (my cell).

I was told by COI Floyd to, "help move these beds," I told him, "I'm hand-cuffed I can't move beds!"

(1)

CO I Floyd, became angry and then told me, "I'll write you up for failure to obey."

AFTER THE SINGLE-POINT WTS PUT IN MY CELL, CO I Floyd began to cross me, and verbally abuse me. I still don't know why.

I asked both officers to "cut my light off," the officer said something that I didn't understand and walked off.

I kicked the door to my cell, twice, and honored for them to cut my cell-light off!

Sgt. Bryant, CO I Floyd and CO Williams came back to my cell and told me to, "put THESE hand-cuffs on; I put my arms OVER THE TRAY-HOLE AND WAS HAND-CUFFED BEHIND MY BACK. I was not allowed to put A JUMP-SUIT ON.

I was taken to the "OFFICE", Sgt. Bryant told, CO I Floyd and CO Williams to, "STOP OUTSIDE", LEAVING ME ALONE WITH THIS SARGENT WHILE HAND-CUFFED BEHIND MY BACK.

Sgt. ~~Bryant~~^{Bryant} locked the door and walked back to where I was standing, WITHOUT ANY PROVOKATION then slapped me several times, THESE blows to my hand were so hard I was knocked down and into a

Chair. SGT. BRYANT THEN STARTED TO POKÉ ME IN MY FOREHEAD AND THREATENED ME, SAYING "WHEN YOU GO BACK TO YOUR CELL, YOU BETTER NOT SAY ANYTHING."

I ASKED TO BE TAKEN TO THE H.C.U. (HUMAN CARE UNIT) BECAUSE MY MOUTH WAS BLEEDING AND MY EAR WAS RINGING, MY EYE STARTED TO SWELL IMMEDIATELY.

AT ABOUT 3:00-3:30 AM NURSE MCKINLEY CAME AROUND TO SGT. UNIT FOR "EARLY PIC-NIC", MYSELF AS WELL AS OTHER INMATES TOLD HER WHAT HAD JUST HAPPENED. PRISON HEALTH SERVICES NURSE MCKINLEY COMPLETELY IGNORED ALL ATTEMPTS BY ANYONE TO GET ME ANY EMERGENCY TREATMENT, SHE WAS BEING ESCORTED BY COI FLOYD AND COI WILLIAMS.

EACH OF THE NAMED DEFENDANTS, ESPECIALLY MOSLEY, WARDEN III, NURSE MCKINLEY, SGT. BRYANT, COI WILLIAMS AND COI FLOYD, ARE ALL AFRICAN-AMERICAN. I AM WHITE/WHITE AMERICAN, AND BELIEVE THAT THIS BRUTALITY, ABUSE AND PREDICABLE TREATMENT IS RACIALLY MOTIVATED.

IT IS MY BELIEF THAT THE NUMBER OF BLACK PERSONNEL WHO ARE EMPLOYED AT THE EASTMING CORRECTIONAL FACILITY IS NOW SERIOUSLY DISPROPORTIONATE TO THE NUMBER OF WHITE PRISONERS ADMITTED AN

(3)

overwhelming atmosphere of preferential treatment, which I believe is bordering on discrimination and racism.

When 1st shift came on at 6:00 am, I asked Sgt. Nelson to be taken to H.C.U. and have a body chart done, I was taken about 8:00-9:00 am. THIS BODY-CHART is on file.

LATER in that day, Capt. Kenneth Scowles came to Segregation Unit questioned me and 2 other inmates, Garret Gaines, and Cedric Brooks and took some notes from us.

4 inmates, Thomas Adams, Michael Brazell, Garrett Gaines, and Cedric Brooks. These officers take me out and what I looked like when I was brought back.

I here by Affix my name and signature that the foregoing Affidavit is true and correct to the best of my belief and knowledge.

Ricky Wade Davis 173073

RICKY WADE DAVIS - 173073

SB-11 E.C.F.

200 WIDE AVE DR.

CLO. ALA. 36017

DOE THIS

Day of
(4)

2006